

REMARKS

The Response filed on August 18, 2004, was filed inadvertently without signature and is withdrawn.

Reconsideration is requested.

The Examiner is alleging distinction between eight different species. The Examiner apparently did not receive the Preliminary Amendment that accompanied the filing of the application because claims 5-15 (species 2) and 18-40 (species 4, 5, and 6) have been cancelled. Another copy of the Preliminary Amendment is enclosed for the Examiner's convenience.

This still leaves a four way election requirement including species 1, 3, 7, 8, and 9. This election requirement is respectfully traversed.

Applicant believes that the Examiner will inevitably search all meaningful classes in light of the specific claims when examining either one of species 1 or 3, if sufficient searching has not already been performed during prosecution of the parent application. Certainly, the Examiner will do so when examining the species which Applicant provisionally elects at the end of this document (species 1). Applicant accordingly is provisionally electing to prosecute the combination, which inherently includes search for the subcombination. Accordingly, eliminating either set of claims will not reduce the scope of searching, and thus there are no efficiencies gained by imposing an election requirement. Further, there would be an increased burden on the U.S. Patent and Trademark Office, on the Applicant, and ultimately on the public in

prosecuting multiple, separate patent applications. For Applicant, splitting the invention into multiple cases increases costs associated with government fees, prosecution fees and maintenance fees for multiple patents. For the PTO, there are increased costs associated with conducting multiple searches, multiple applications and multiple examinations for an invention that could be more efficiently searched and examined in a single case. It further ultimately produces a burden on the pertinent public that will review Applicant's commonly patented technology. Such people will be compelled to review multiple issued patents and file histories, instead of reviewing a single issued patent and one file history.

For at least these reasons, it is respectfully requested that the election requirement be removed.

In the event the election requirement is not removed, Applicant hereby provisionally elects to prosecute the claims of species 1 in this application.

The undersigned is available for telephone consultation at any time if such would facilitate prosecution of this application.

Respectfully submitted,

Dated: August 23, 2004

By:



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Attachment: Copy of Preliminary Amendment as previously filed